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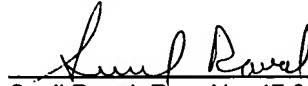


In re application of: **Hiroyuki ABURATANI et al.**  
Serial No.: To be assigned. **10/568, 471**  
Filed: April 1, 2009  
For: **GENE OVEREXPRESSED IN CANCER**

Sir:

Transmitted herewith is an **Information Disclosure Statement (3 pages)** in the above-identified application.

- ☒ Also transmitted herewith are:
- ☐ Petition for extension under 37 C.F.R. 1.136
  - ☒ Return receipt postcard
  - ☒ Other: Form PTO-1449 (1 page) with copies of references.
- ☐ Check(s) in the amount of \$ \_\_\_\_\_ is/are attached to cover:
- ☐ Filing fee for additional claims under 37 C.F.R. 1.16
  - ☐ Petition fee for extension under 37 C.F.R. 1.136
  - ☐ Fee set forth in 37 C.F.R. §1.17(p)
  - ☐ Other:
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
- ☐ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
  - ☒ Any patent application processing fees under 37 C.F.R. 1.17.
  - ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 C.F.R. 1.136.

  
Sunil Raval, Reg. No. 47,886

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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being hand delivered to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450"  
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DAVIDSON, DAVIDSON & KAPPEL, LLC

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re: Application of:           Hiroyuki ABURATANI et al.  
Serial No.:                   To Be Assigned  
Filed:                        April 1, 2009  
For:                         **GENE OVEREXPRESSED IN CANCER**

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

April 24, 2009

**INFORMATION DISCLOSURE STATEMENT**

S I R:

In accordance with Applicant's duty of disclosure under 37 C.F.R. §§ 1.56 and 1.97, Applicant hereby submits this Information Disclosure Statement, including one (1) sheet of Form PTO-1449, for consideration by the Examiner in connection with the above-identified patent application.

References A01 to A03, A05 to A10 and A14 to A20 as cited in the attached Form PTO-1449 were all submitted or cited in the parent application U.S. Serial No. 12/229,750, filed on August 26, 2008, and/or U.S. Serial No. 10/568,471, which was filed on February 8, 2006 as a national phase application of International Application PCT/JP2004/011650, from which the present application claims priority as set forth in 35 U.S.C. § 120.

References A04 listed on the accompanying Form PTO-1449 was cited by the Examiner in an Office Action dated November 19, 2008 during the prosecution of co-pending U.S. Application Serial No. 10/568,471. Accordingly, under 37 C.F.R. § 1.98(d) a copy of reference A04 is not enclosed. A copy of an Office Action dated November 19, 2008 issued in co-pending U.S. Application Serial No. 10/568,471 is cited as reference A22 on the accompanying PTO-1449 form and a copy of the aforementioned Office Action is provided herewith. A Response to

the Office Action dated November 19, 2008 in co-pending U.S. Application Serial No. 10/568,471 was filed on April 9, 2009 and is available to the Examiner on the U.S. PAIR system.

References A02, A03 and A17 to A20 listed on the accompanying Form PTO-1449 were cited by the Examiner in an Office Action dated February 26, 2008 during the prosecution of co-pending U.S. Application Serial No. 11/584,793. Accordingly, under 37 C.F.R. § 1.98(d) copies of the above-mentioned references are not enclosed. A copy of an Office Action dated February 26, 2008 issued in co-pending U.S. Application Serial No. 11/584,793 is cited as reference A21 on the accompanying PTO-1449 form and a copy of the aforementioned Office Action is provided herewith. A Response to the Office Action dated February 26, 2008 in co-pending U.S. Application Serial No. 11/584,793 was filed on August 26, 2008 and is available to the Examiner on the U.S. PAIR system.

References A11 and A12 listed on the accompanying Form PTO-1449 was cited by the Examiner in an Office Action dated December 18, 2008 during the prosecution of co-pending U.S. Application Serial No. 11/584,793. Copies of references A11 and A12 are enclosed. A copy of an Office Action dated December 18, 2008 issued in co-pending U.S. Application Serial No. 11/584,793 is cited as reference A23 on the accompanying PTO-1449 form and a copy of the aforementioned Office Action is provided herewith. Applicants note that reference A13 cited on the attached PTO Form 1449 has been provided as an English translation of reference A12 and a copy of reference A13 is provided herewith.

Therefore pursuant to 37 C.F.R. § 1.98(d), copies of cited references A01 to A12 and A14 to A20 are not enclosed. Also pursuant to the waiver of the requirement under 37 C.F.R. § 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, copies of the cited U.S. patents and U.S. patent application publications are not enclosed. If it is determined that any of the listed references are not presently enclosed, the Examiner is requested to contact the undersigned so that a copy can be forwarded.

Applicants respectfully advise the Examiner of the following related co-pending U.S. patent applications which is commonly assignable to the owners of the instant application:

Co-pending U.S. Application Serial No. 11/584,793, entitled "Gene Overexpressed In Cancer", filed October 20, 2006 and published as U.S. Patent Publication No. 2007-0037204A1 on February 15, 2007;

Co-pending U.S. Application Serial No. 12/229,750, entitled "Gene Overexpressed in Cancer," filed August 26, 2008 (co-pending U.S. Application Serial No. 12/229,750 has not yet been published, therefore, Applicants attached herewith, as Appendix A, a copy of the original claim set submitted along with a copy of a Preliminary Amendment dated August 26, 2008 and a copy of a Second Preliminary Amendment dated March 31, 2009); and

Co-pending U.S. Application Serial No. 10/568,471, entitled "Gene Overexpressed In Cancer", filed February 8, 2006 and published as U.S. Patent Publication No. 2008-0153104A1 on June 26, 2008.

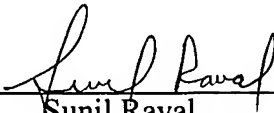
While the references are being submitted herewith, some or all of the references may not constitute prior art under the U.S. patent laws.

This Information Disclosure Statement is filed under 37 C.F.R. §1.97 (b), before the mailing date of a First Office Action. Accordingly, no fee is believed due. In the event any additional fee is due in connection with this response or if any fee has been overpaid, the deficiency or overpayment should be charged to our Deposit Account No. 50-0552.

Applicants respectfully request that the references cited in the accompanying PTO 1449 form be considered and made of record. Applicants respectfully submit that the pending claims are patentable over all of the references made of record at this time.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By:   
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